

Property Maintenance Code

Chapter 1703 Definitions

1703.06 CODE OFFICIAL.

"Code Official" means the Mayor, the Director of Public Safety, **the Building Commissioner**, the Building Inspector, the Housing Coordinator, the Housing Inspector, **the Assistant Building Commissioner**, the Property Maintenance Coordinator and the Property Maintenance Inspector, **the Engineering Party Chief**, or their designees or agents, who are responsible for enforcement of this Code and other related City ordinances and for the issuance of any summons and complaints and/or notices necessary to ensure compliance with this Code.

(Ord. 389-94. Passed 5-6-96; Ord. 114-97. Passed 5-19-97.)

Chapter 1705 Administration, Enforcement, and Penalty

1705.99 PENALTY.

Whoever violates any of the provisions of this Code, or any rule or regulation promulgated thereunder, fails to comply therewith or with any written notice or written order issued thereunder, or interferes with, obstructs or hinders any person authorized to inspect, by virtue of Section 1705.02, while such person is lawfully making an inspection **is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.**

Chapter 1707 Basic Standards for Property Maintenance

1707.01 LEASING FOR RESIDENTIAL OCCUPANCY; RESTRICTIONS.

No owner, operator or agent shall rent or lease, or offer for rental or lease, any residential or nonresidential structure, or any part thereof, which does not comply with the provisions of this Code. **Whoever violates this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.**

(Ord. 53-68. Passed 7-22-69; Ord. 389-94. Passed 5-6-96.)

1707.02 LIMITATION ON OCCUPANCY OF DWELLING UNITS.

The occupancy of any dwelling unit shall be limited to one and only one family and to any authorized persons occupying such dwelling unit with such family. **Whoever violates this section is guilty of a misdemeanor of the first degree. A separate**

offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 53-68. Passed 7-22-69; Ord. 389-94. Passed 5-6-96.)

1707.03 HABITABLE FLOOR AREA DEFINED.

"Habitable floor area" means the floor area in any room in any dwelling, dwelling structure or multiple dwelling, which floor area is required to be contained within such dwelling, dwelling structure or multiple dwelling, or any part thereof, in order to meet the minimum requirements of this Code. **Whoever violates this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.**

(Ord. 53-68. Passed 7-22-69; Ord. 389-94. Passed 5-6-96.)

1707.04 HABITABLE FLOOR AREA STANDARDS.

No floor area in any dwelling or part thereof shall be considered as constituting the habitable floor area, unless such floor area meets at least the following minimum standards:

- (a) In a one-floor, single-family dwelling, or in the first floor area of any other dwelling, the clear ceiling height shall be not less than seven feet, six inches.
- (b) In the second floor area of any dwelling, a clear ceiling height of seven feet in at least two-thirds of such floor area and a clear ceiling height of not less than five feet in the remaining one-third of such floor area shall be required.
- (c) No portion of any room which is less than seven feet in width shall be included in determining the habitable floor area.
- (d) Every dwelling unit shall contain at least 150 square feet of habitable floor area for the first occupant thereof and at least 100 additional square feet of habitable floor area for every additional occupant thereof, but in no case shall any dwelling unit contain less than the minimum number of square feet of habitable floor area as required by other provisions of this Code.
- (e) **Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during which a violation occurs or continues.**

(Ord. 53-68. Passed 7-22-69; Ord. 389-94. Passed 5-6-96.)

1707.05 THIRD FLOOR AREA.

The third floor area of a double house or of a two-family dwelling shall not be occupied as a dwelling unit. **Whoever violates this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.**

(Ord. 53-68. Passed 7-22-69; Ord. 389-94. Passed 5-6-96.)

1707.06 HABITABLE ROOMS BELOW GRADE; RESTRICTIONS.

No room which has its floor level below grade shall be occupied as a habitable room unless it conforms to all of the following standards, in addition to all other requirements of this Code for habitable rooms:

- (a) The room shall have been, prior to the effective date of this chapter, originally designed and constructed for, or legally converted to, use as a habitable room.
- (b) The walls and floor enclosing the room shall be maintained in such condition as to prevent seepage or leakage of water into the habitable space.
- (c) All required openings for light and ventilation shall be located entirely above the adjoining grade.
- (d) The height of the finished ceiling of such room above any point of the adjoining ground level shall be at least fifty percent of the clear ceiling height of the room.
- (e) **Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.**

(Ord. 53-68. Passed 7-22-69; Ord. 389-94. Passed 5-6-96.)

1707.07 REQUIRED WINDOW AREA.

Every habitable room shall be provided with natural light by one or more windows, facing upon an open space. The aggregate glass area of such required windows shall be not less than ten percent of the floor area of the room served by them. **Whoever violates this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.**

(Ord. 53-68. Passed 7-22-69; Ord. 389-94. Passed 5-6-96.)

1707.08 REQUIRED VENTILATION AREA.

Every habitable room shall be provided with natural ventilation by one or more openable windows. The aggregate openable area of such ventilation openings shall be not less than five percent of the floor area of the room served by them. **Whoever violates this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.**

(Ord. 53-68. Passed 7-22-69; Ord. 389-94. Passed 5-6-96.)

1707.09 KITCHENS, BATHROOMS AND WATER CLOSET COMPARTMENTS.

Every kitchen, bathroom and water closet compartment shall be provided with light and ventilation as prescribed for habitable rooms, except that the aggregate glass area in a kitchen shall be not less than six square feet, and, in a bathroom or water closet compartment, not less than three square feet. However, where an approved exhaust ventilation system and approved artificial light are installed in such a manner as to be in operation at all times when any such room is occupied, no natural light or ventilation shall be required. **Whoever violates this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.**

(Ord. 53-68. Passed 7-22-69; Ord. 389-94. Passed 5-6-96.)

1707.10 REQUIRED DWELLING UNIT FACILITIES.

(a) Every dwelling unit shall be provided with not less than the following sanitary facilities contained within a room, which shall afford privacy to any occupant thereof:

- (1) A water closet.
- (2) A bathtub or shower.
- (3) A lavatory.

(b) Every dwelling unit shall be provided with at least one complete kitchen or kitchenette with approved cooking, refrigeration and sink facilities. No such kitchen facilities shall be placed within any water closet compartment or within any bathroom.

(c) **Whoever violates any provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.**

(Ord. 53-68. Passed 7-22-69; Ord. 389-94. Passed 5-6-96.)

1707.11 COMMUNAL KITCHEN.

Communal kitchens are prohibited. **Whoever violates this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.**

(Ord. 53-68. Passed 7-22-69; Ord. 389-94. Passed 5-6-96.)

1707.12 PLUMBING FIXTURES.

(a) All plumbing fixtures in a dwelling structure shall be supplied with running water from the Municipal water supply system.

(b) Every dwelling unit shall have an approved supply of running hot water properly connected to all plumbing fixtures normally requiring hot water.

(c) All plumbing fixtures in a dwelling structure shall be so designed and installed as to prevent contamination of the water supply system.

(d) All plumbing fixtures in a dwelling structure shall be connected to a public sanitary sewer or approved septic system.

(e) **Whoever violates any provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.**

(Ord. 53-68. Passed 7-22-69; Ord. 389-94. Passed 5-6-96.)

1707.13 GARBAGE AND RUBBISH DISPOSAL.

(a) Every owner, occupant or person having charge or control of any occupied structure shall dispose of all of his or her garbage, rubbish and/or organic waste, including discarded waste which might provide food for insects and rodents, in a clean and sanitary manner by placing it in an approved nonleakable, nonabsorbent, tightly covered garbage storage receptacle or in other approved garbage disposal facilities.

(b) No garbage, rubbish and/or organic waste stored in an outside area shall be stored within twenty feet of a neighbor's occupied structure, in front of an occupied structure or secondary building or in an area readily visible from a bordering street. All containers must be stored in a manner that does not detract from the appearance of the owner's property or any neighboring property.

(c) All commercial compactors, storage bins, refuse containers and mechanical equipment shall be contained wholly within enclosed buildings, or shall be enclosed by a solid wall or fence of such nature and height as to conceal completely all operations thereof, or use thereof, and all materials therein, from any observer's view, if the observer

is standing at the grade level on an adjacent premises, or if such compactors, bins, containers and equipment are viewed from a roadway.

(d) An owner of property for rent or lease must see that the occupant of the premises complies with this section and is ultimately responsible for providing containers adequate to hold such refuse as the premises may generate.

(e) In every multiple dwelling, the owner, operator or his or her agent shall be responsible for providing and maintaining suitable approved receptacles or other conveniences for the disposal of rubbish, garbage, refuse or other waste matter, provided, however, that in a dwelling structure other than a multiple dwelling, the occupant of each dwelling unit shall provide himself or herself with such receptacles or other conveniences.

(f) When discarded newspapers and magazines are placed upon the tree lawn in anticipation of trash collection, such newspapers and magazines shall be separated from other waste and then securely tied, bundled or placed within paper bags or other similar paper containers.

(g) **No rubbish and garbage which is placed on the tree lawn area or another suitable area within the public right-of-way for collection by the City or its agent shall be so deposited or placed before 6:00 p.m. on the day prior to the publicly scheduled day for the collection of rubbish and garbage for that street. If a hardship occurs that requires the deposit of rubbish and garbage at an earlier time, a permit therefore shall first be obtained from the Director of Public Safety. After the collection of rubbish and garbage, property owners or occupants shall remove rubbish containers from the tree lawn area and return them to their regular storage area not later than 8:00 p.m. on the day that the garbage and rubbish are collected.**

(Ord. 53-68. Passed 7-22-69; Ord. 85-73. Passed 5-21-73; Ord. 202-88. Passed 9-6-88; Ord. 389-94. Passed 5-6-96.)

1707.14 NOXIOUS ODORS; FILTHY ACCUMULATIONS; POLLUTING AND DIVERTING WATERCOURSES.

(a) No person shall erect, continue, use or maintain a dwelling, building, structure or place for a residence or for the exercise of a trade, employment or business, or for the keeping or feeding of an animal, which dwelling, building, structure or place, or which activity, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort or property of individuals or of the public. No person shall cause or allow offal, filth or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public. No person shall unlawfully obstruct or impede the passage of a navigable river, harbor or collection of water, or corrupt or render unwholesome or impure a watercourse, stream or water, or unlawfully divert such watercourse from its natural course or state to the injury or prejudice of others.

(b) No person shall pile, store, accumulate or permit to accumulate upon any real estate in the City which has been zoned or districted for single-family, two-family, apartment house, retail business or commercial uses, any junk, rubbish, garbage, manure or other material or substance detrimental to the public safety, health or general welfare, or of such a nature as to interfere with the value of real estate within the immediate vicinity, or the enjoyment thereof by the owners thereof, by reason of any noxious odors emanating therefrom, or which is of such a character or nature as to create or spread disease or cause an unsanitary or unhealthy condition, or which by its nature is likely to attract rats, mice, vermin or other disease-carrying pests and animals or insects. However, nothing herein contained shall prohibit the ordinary accumulation of garbage resulting from the natural and ordinary operation of the household or home, or from a hotel, restaurant, lunchroom or other place of business regularly dispensing food or other merchandise resulting in a natural accumulation of garbage, rubbish or junk during the period, in either instance, between the regular garbage or rubbish collections by the City. Nothing herein contained shall prohibit the natural accumulation of rubbish, garbage or junk upon the premises occupied by any person for the conduct of any legal business, or in the ordinary or usual manner of maintaining a home, apartment, hotel, rooming house or other similar business, provided that, in all instances, rubbish, garbage or junk shall be collected in regular odorproof, germproof and flyproof containers stored in the same, and that rubbish, garbage or junk shall be neatly piled insofar as possible. In no instance shall rubbish, garbage or junk be allowed to remain on the premises for a period longer than that between the regular rubbish, garbage or junk collections by the City. Nothing herein contained shall apply to any property within the City which has been continuously and primarily used for agricultural or similar purposes.

(c) Whoever violates any provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 300-45. Passed 7-16-45; Ord. 278-94. Passed 10-3-94; Ord. 389-94. Passed 5-6-96.)

1707.15 SANITARY CONDITIONS FOR COMPOSTING.

(a) All composting shall be performed in porous containers or pits. The porous container or pit may utilize up to twenty-five square feet in the rear yard only. The maximum height of the container, pit or composting pile shall be four feet measured from ground level, and the maximum depth of the container or pit shall be two and one-half feet. All composting containers or pits shall be kept at least two feet from the rear property line, at least two feet from the side property line, and at least forty feet from any habitable structures, porches or patios. All composting items shall be turned and mixed with approved compost material, lime or dirt. This turning and mixing shall be performed at least once a month. All composting containers or pits shall be kept in an orderly condition to prevent blowing debris, insect and rodent attraction, offensive odors and unsightly appearances. The Director of Public Safety may cause to be promulgated such

reasonable rules and regulations as he or she deems necessary to insure the safe, healthy and sanitary use of composting containers or pits in the City.

(b) Composting items shall include grass, shrub clippings, leaves, flowers and garden plants only.

(c) No owner, agent, lessee, tenant or occupant of any lot or land located within the City shall do any of the following with respect to composting containers or pits:

(1) Keep or leave human waste, refuse or the bodies of dead animals in composting containers or pits;

(2) Deposit, store or dispose of manure, garbage or any other substance which will attract vectors;

(3) Store, discharge or deposit sewage, human waste, wash water, garbage or other substances that will make composting containers or pits a potential transmission agent of disease; or

(4) Store or deposit any waste or other substance which will pollute the water or soil.

(d) Whoever violates any of the provisions of this section, for which no penalty is otherwise provided, shall be subject to the penalty provided in Section 1707.99.

(Ord. 211-93. Passed 3-7-94; Ord. 389-94. Passed 5-6-96.)

1707.16 HEATING CAPACITY.

Every dwelling unit shall be provided with approved heating facilities capable of maintaining an average temperature of seventy degrees Fahrenheit in all habitable rooms, kitchens, bathrooms and water closet compartments when the outdoor temperature is minus five degrees Fahrenheit, without forcing the facilities to operate in excess of their design capacity. **Whoever violates this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.**

(Ord. 53-68. Passed 7-22-69; Ord. 389-94. Passed 5-6-96.)

1707.17 SUPPLY OF HEAT.

The owner or operator in charge of a dwelling structure, who rents or leases any dwelling unit therein under an agreement, express or implied, to supply or furnish heat to the occupants thereof, shall supply heat adequate to maintain an inside temperature of not less than seventy degrees Fahrenheit for the entire twenty-four hour period of each day in all habitable rooms, bathrooms, water closet compartments and kitchens whenever the

outside temperature falls below fifty degrees Fahrenheit. Such inside temperature shall be measured in the approximate center of each room approximately three feet above the floor. **Whoever violates this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.**

(Ord. 53-68. Passed 7-22-69; Ord. 389-94. Passed 5-6-96.)

1707.18 FLUE CONNECTIONS REQUIRED.

Every appliance or piece of equipment burning solid, liquid or gaseous fuel, where permitted, shall be connected to an approved smokepipe and flue. However, any appliance approved for use without such connections is exempt from the requirements of this section. **Whoever violates this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.**

(Ord. 53-68. Passed 7-22-69; Ord. 389-94. Passed 5-6-96.)

1707.19 PROHIBITED LOCATIONS OF HEATING EQUIPMENT.

No heating equipment or appliance depending on room air for combustion shall be located in any bedroom, bathroom, toilet room or any room used for sleeping purposes. **Whoever violates this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.**

(Ord. 53-68. Passed 7-22-69; Ord. 389-94. Passed 5-6-96.)

69; Ord. 389-94. Passed 5-6-96.)

1707.20 ELECTRICAL FACILITIES REQUIRED.

Every dwelling structure and secondary or appurtenant structure shall be provided with approved electrical service, outlets and fixtures, which shall be installed and maintained so as to be free of any potential source of ignition of combustible material or any potential source of electrical hazard. Such facilities shall be approved as being adequate to supply the requirements of lighting, appliances and equipment of the structure concerned. **Whoever violates this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.**

(Ord. 53-68. Passed 7-22-69; Ord. 389-94. Passed 5-6-96.)

1707.21 MAINTENANCE RESPONSIBILITIES OF OWNER AND OCCUPANT.

(a) Owner. The owner of every residential and nonresidential structure shall be responsible for the maintenance thereof in good repair and safe condition as required by the terms of this Code. The owner shall also be responsible for maintaining in a clean and sanitary condition the shared or common areas of the premises.

(b) Occupant. The occupant of a structure or premises shall be responsible for maintaining in a clean and sanitary condition that part of the structure or premises which he or she occupies and controls. In addition, such occupant shall be responsible for maintaining in good and safe working order the equipment and appliances which he or she owns.

(c) **Whoever violates any of the provisions of this section, for which no penalty is otherwise provided, shall be subject to the penalty provided in Section 1707.99.**

(Ord. 53-68. Passed 7-22-69; Ord. 389-94. Passed 5-6-96.)

1707.211 ENTERING ADJOINING PROPERTY; DAMAGE.

(a) No person, being the owner of any residential or commercial real property, or his or her lessee or tenant or any person acting for or on his or her behalf, shall prohibit, prevent, hinder, obstruct or deny the right of the owner of any adjoining real property or any person acting for or on his or her, or their behalf, to reasonably enter upon such real property for the purpose of making necessary repairs and/or maintenance to such adjoining owner's real property only when it is reasonably necessary to enter upon such real property to make such repairs and/or maintenance.

(b) Any person, being the owner of any residential or commercial real property, or any person acting for or on his or her behalf, who enters upon the adjoining real property of another pursuant to this section shall return such property to the condition it was in prior to such entry and shall be liable for damage caused by such entry to any person or real or personal property, including, but not limited to, trees, shrubbery, flowers, grass or other vegetation.

(c) **Whoever violates any provisions of this section is guilty of a misdemeanor of the third degree.**

(Ord. 291-98. Passed 11-16-98.)

1707.22 GENERAL MAINTENANCE REQUIREMENTS.

(a) All structures and all parts thereof, both exterior and interior, shall be maintained in good repair and shall be capable of performing the function for which such structure, or any part or feature thereof, was designed for or intended to be used.

(b) All equipment and facilities appurtenant to an occupied structure shall be maintained in good and safe working order.

(c) Whoever violates any provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 53-68. Passed 7-22-69; Ord. 389-94. Passed 5-6-96.)

1707.23 MAINTENANCE OF FOUNDATIONS.

(a) All foundations of every structure shall be maintained structurally sound and in good repair.

(b) All foundations of every occupied structure shall be maintained in such condition as to prevent the accumulation of moisture within the space enclosed within such foundation.

(c) All openings into the foundations of every structure shall be protected against the entrance of rodents.

(d) Whoever violates any provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 53-68. Passed 7-22-69; Ord. 389-94. Passed 5-6-96.)

1707.24 MAINTENANCE OF ROOFS, GUTTERS AND DOWNSPOUTS.

All roofs of occupied structures shall be maintained weathertight and shall be equipped with gutters and downspouts, which shall be connected to a public storm sewer unless an alternative point of discharge has been approved by the Code Official.

Whoever violates this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 155-84. Passed 7-30-84; Ord. 389-94. Passed 5-6-96.)

1707.25 MAINTENANCE OF EXTERIORS OF OCCUPIED STRUCTURES AND SECONDARY OR APPURTENANT STRUCTURES.

(a) All exterior parts of every occupied structure, including exterior walls, parapet walls, decorative additions, chimneys and all other exterior structures, either above or below the roof line, shall be maintained in a safe condition, weathertight and so as to resist decay or deterioration from any cause.

(b) Any occupied structure or secondary or appurtenant structure whose exterior surface is bare, deteriorated, ramshackle, tumble-down, decaying, disintegrating or in poor repair must be repaired or razed.

(1) All buckled, rotted or decayed walls, doors, windows, porches, floors, steps, railings, trim and their missing members must be replaced and put in good condition.

(2) All replacements must match and conform to the original design or be replaced completely.

(3) All exterior wood or exterior unfinished surfaces must be sealed and painted, or the surface covered with another approved protective coating or treated to prevent rot and decay, so as to conform to and match the existing paint or surface covering and original design or the replacement thereof. All exterior walls and surfaces must be properly protected against the weather where such are defective or lack weather protection, including lack of paint or surface covering, or when they have weathered due to lack of proper protective covering.

(c) Any occupied structure or secondary or appurtenant structure whose exterior surface is deteriorated, decaying or disintegrating, or whose exterior surface has weathered with dirt and grime or been impaired through peeling or flaking of the paint or other protective coating, shall be repaired or repainted or resurfaced.

(1) All exterior surfaces shall be replaced or repaired in good condition preparatory to repainting and coating.

(2) All bare exterior surfaces which are flaking or crumbling shall be replaced or sealed in a good and workmanlike manner.

(3) All new or repaired bare surfaces shall be painted or coated.

(4) All exterior surfaces weathered with dirt and grime or which are peeling or flaking shall be painted or covered with an approved protective coating and surface.

(d) All signs and sign structures shall be maintained in a safe and attractive condition. Signs which no longer serve the purpose for which they were intended or which have been abandoned or are not maintained in accordance with the Building Code and other applicable regulations of the City shall be removed by the last permit holder, by the building owner or by the City at the expense of such individual.

Whenever the removal or maintenance of any permanent sign has been ordered by the Code Official, and the person who erected such sign or on whose premises such sign or display structure has been erected, affixed or attached fails to remove or maintain the sign within forty-eight hours after receiving such notice, the Code Official may remove or cause to be removed or maintained such sign at the expense of the person who erected such sign or on whose premises it was erected, affixed or attached. Each such person

shall be individually and separately liable for the expenses incurred in the removal of such sign. Temporary signs shall be removed within twenty-four hours after a removal order is received from the Code Official.

Presentation of evidence that all exterior surfaces have, not more than five years prior to the date of inspection, been properly prepared and painted with at least one coat of good exterior paint, or covered with another approved protective coating or surface, shall be prima-facie evidence of the exterior being in good condition.

(e) Whoever violates any provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 53-68. Passed 7-22-69; Ord. 104-74. Passed 5-20-74; Ord. 389-94. Passed 5-6-96.)

1707.26 MAINTENANCE OF INTERIOR WALLS, FLOORS AND WINDOWS.

(a) All interior walls and floors of every occupied structure shall be maintained free of holes, large cracks and any loose or deteriorated material.

(b) All floors within every bathroom or water closet compartment of an occupied structure shall be maintained water resistant.

(c) All interior window coverings, hardware and mechanisms shall be maintained in good repair and working order. No person shall utilize rags, towels, sheets, blankets, newspaper, magazines, flags, banners, signs, plywood or other building materials not intended or designed as window treatments as permanent window coverings.

(d) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 53-68. Passed 7-22-69; Ord. 389-94. Passed 5-6-96; Ord. 233-06. Passed 8-7-06.)

1707.27 INFESTATION OF PESTS.

All structures and the premises thereof shall be maintained free from sources of breeding, harborage and infestation by insects, vermin or rodents. **Whoever violates this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.**

(Ord. 53-68. Passed 7-22-69; Ord. 389-94. Passed 5-6-96.)

1707.28 EXTERIOR PROPERTY AREAS.

(a) No owner or operator of any premises shall maintain or permit to be maintained at or on the exterior property areas of such premises any condition which deteriorates or debases the appearance of the neighborhood, reduces property values in the neighborhood, adversely alters the appearance and general character of the neighborhood, creates a fire, safety or health hazard, or is a public nuisance, including, but not limited to, the following:

- (1) Fences, walls or structures which are broken, dilapidated or with graffiti;
- (2) Broken, uneven or improperly maintained walks or driveways;
- (3) Out of use or nonuseable appliances, dilapidated automobiles or automobile parts;
- (4) Materials hung on lines and/or in other places on such premises, except in rear yards; broken, dilapidated or unusable furniture, mattresses or other household furnishings; plastic materials, paints, miscellaneous coverings and/or any other materials placed at or on the premises in such a manner as to be unsightly or offensive to the senses; and
- (5) Lawn and landscaped areas which are not cut, trimmed and reasonably maintained as to weed control at all times, and at no time shall grass exceed six inches in height. If a violation of this subsection is found, a notice to the owner shall be sent pursuant to Section 1707.285.

(b) No owner or operator of any premises shall maintain or permit to be maintained at or on the exterior property areas of such premises any portable/temporary/storage bin/box or dumpster until after the following criteria has been met:

- (1) File an application with the City for the placement of the temporary storage bin/box/ dumpster;
- (2) Submit a fee of twenty-five dollars (\$25.00), pursuant to Chapter 185 of the Codified Ordinances, to the City for placement of the temporary storage bin/box/dumpster on a specific premises prior to such placement;
- (3) No more than one temporary storage bin/box/dumpster on any one specific premises.
- (4) Placement of the storage bin/box/dumpster must be behind the front setback line of the premises at all times.
- (5) Permit is for 30 days with one 30-day extension with written request and permission.

(c) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 53-68. Passed 7-22-69; Ord. 201-89. Passed 7-5-89; Ord. 182-93. Passed 7-6-93; Ord. 389-94. Passed 5-6-96; Ord. 382-96. Passed 2-3-97; Ord. 54-97. Passed 4-7-97; Ord. 114-97. Passed 5-19-97; Ord. 26-00. Passed 2-7-00; Ord. 160-01. Passed 6-18-01; Ord. 26-07. Passed 7-2-07.)

1707.285 NOTICE TO OWNER TO CUT NOXIOUS WEEDS AND GRASS AND TO REMOVE LITTER; NONCOMPLIANCE; REMEDY OF CITY.

(a) The Director of Public Safety is hereby authorized and directed to mandate surveys to be conducted by the City Building Department during the growing season to determine on what lands in the City noxious weeds and/or grass are being permitted to grow, mature and/or spread seeds, and upon determining any violation to exist, cause notice of the nature of the violation to be placed in a conspicuous location on the property notifying the owner or person have charge of the property that noxious weeds and/or grass are growing on such land and must be cut or destroyed within 48 hours from the date and time of notice.

(b) It is hereby determined that "noxious weeds" and/or grass shall include, but not be limited to, the following:

- (1) Field bindweed (*Convolvulus arvensis* L.)
- (2) Quackgrass (*Agropyron repens* L. (Beauv.)
- (3) Canada thistle (*Cirsium arvense* L. (Scop)
- (4) Johnsongrass (*Sorghum halpense* L. (Pers.)
- (5) Hoary cress (*Cardaria draba* L. (Desv.)
- (6) Hairy whitetop (or ballcress) (*Cardaria Pubescens* C.A. Mey. (Rollins)
- (7) Perennial sowthistle (*Sonchus arvensis* L.)
- (8) Russian knapweed (*Centaurea picris* Rydb.)
- (9) Leafy spurge (*Euphorbia esula* L.)
- (10) Hedge bindweed (*Convolvulus sepium* L.)
- (11) Dodder (*Cuscuta spp.* (Tourn) L.)

- (12) Horsenettle (*Solanum carolinense* L.)
- (13) Corncockle (*Agrostemma githago* L.)
- (14) Wild garlic (*Allium vineale* L.)
- (15) Wild onion (*Allium canadense* L.)
- (16) Curly dock (*Rumex Crispus* L.)
- (17) French weed (*Thlaspi arvense* L.)
- (18) Buckhorn (*Plantago lanceolata* L.)
- (19) Shatter cane (*sorghum bicolor*)
- (20) Russian thistle (*Salsoal kali var. tenuifolia*)
- (21) Wild parsnip (*Pastinace sativa*)
- (22) Wild carrot (Queen Anne's lace) (*Daucus carota* L.)
- (23) Oxeye daisy (*Chrysanthemum leucanthemum var. pinnatifidum*)
- (24) Wild mustard (*Brassica kaber var. pinnatifida*)
- (25) Grapevines: when growing in groups of 100 or more and not pruned, sprayed, cultivated or otherwise maintained for two consecutive years.
- (26) Serrated tussock (*Nassella trichotoma* L.).
- (27) All other uncultivated types of vegetation, including lawn grass, growing to a height in excess of six (6) inches.

(c) The Director of Public Safety is hereby authorized and directed to mandate surveys to be conducted by the City Building Department to determine on what lands in the City litter, as defined in Ohio R.C. 731.51, and constituting a detriment to public health, has been placed, and upon determining any violation to exist, cause notice of the nature of the violation to be placed in a conspicuous location on the property notifying the owner or person having charge of the property, notifying him or her that litter is on the land and that it must be collected and removed within 48 hours after the service of the notice.

(d) Notice shall be deemed served by placing said notice of the violation in question on a conspicuous location on the property notifying the owner or person having charge of the violation.

(e) If a violation of both subsection (a) and (c) hereof is found, a combined notice is sufficient for both violations.

(f) Upon failure of the owner or person having charge of the property in question to comply with the notice within the period of time stipulated, the Building Commissioner shall have the authority to have the weeds/grass be cut and destroyed and/or litter to be collected and removed by an independent contractor hired by the Building Commissioner. Upon the completion of abatement, the Building Commissioner shall bill the property owner the price of the contractor's service and an additional 25 percent of the contractor's price to cover the City's administrative costs. The total costs shall be forwarded by the Building Commissioner to the City Auditor who shall make a return in writing to the County Auditor of such total charge which shall be entered upon the tax duplicate of the County and be allocated on the taxes in accordance with Ohio R.C. 731.54.

(g) Whoever violates any of the provisions of this section, for which no penalty is otherwise provided, shall be subject to the penalty provided in Section 1707.99.

(Ord. 160-01. Passed 6-18-01; Ord. 245-02. Passed 6-10-02; Ord. 39-05. Passed 4-18-05.)

1707.30 LAWN OR LANDSCAPING REQUIRED.

(a) No owner of any parcel or real estate upon which a permanent structure has been erected shall fail, neglect or refuse, within one year of the erection of the structure, to sow grass seed or ground cover upon the parcel, or otherwise landscape the same, to prevent erosion of the soil. If, at any time after the one- year period, the Code Official determines that a parcel of land upon which a permanent structure has been erected has not been sown with seed or otherwise landscaped sufficiently to prevent erosion of the soil, then he or she shall report, in writing, to Council, a proper description of the lot, together with the name and address of the owner of record thereof. Council may, by resolution, determine that a public nuisance exists and direct the owner of record to plant rye grass or an equivalent fast growing seed thereon not later than thirty days from the date of service of a copy of the resolution on such owner of record. The landowner shall be required to see that grass seeds planted in compliance with the Council resolution take root and that grass subsequently grows to cover the ground of the stripped area. Such grass must be maintained by cutting during the months of April, May, June, July, August and September. Service as required by this subsection shall be made by certified mail, except that when the landowner's address is unknown, publication of the resolution in a Cuyahoga County newspaper of general circulation once a week for two consecutive weeks shall be sufficient.

(b) Upon failure of the owner of record to substantially comply with the resolution within a period of time stipulated, the Code Official or the Director of Public Safety, for and on behalf of Council, shall cause the appropriate type of grass seed to be planted, nurtured and maintained, for such time as the Code Official or the Director deems

necessary, by the direct employment of labor. Upon the completion of such labor, the Code Official or the Director shall report to Council the costs thereof, with respect to each parcel of land, together with any costs for service or publication of the resolution and together with a proper description of the premises. Upon receipt of the report by Council and upon a resolution of Council, the City Auditor, on behalf of Council, shall make a return of such charges upon the tax duplicate, which shall be entered upon the tax duplicate of the County and collected as other taxes.

(c) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 174-76. Passed 5-2-77; Ord. 389-94. Passed 5-6-96; Ord. 149-01. Passed 7-2-01.)

1707.31 FENCES, HEDGES AND TRELLISES.

(a) No fence, hedge, trellis, **retaining wall** or other device used to mark or establish boundary lines around property, or within the property line, exceeding six feet in height, shall be erected, altered reconstructed or relocated on any lawn adjacent to any boundary line of any lot or parcel of land, or any part thereof, in the City. Permitted fences in all residence districts shall include the following types: picket, ranch (including split-rail and western-rail), basketweave, stockade, board-on-board and chain link, which may include metal, plastic, vinyl or fiberglass inserts. Masonry walls of brick, random stone or ashlar, coursed stone or ashlar, or decorative block, are permitted, subject to the approval of the City Planning Commission. Prohibited fences include wire mesh fences which have openings between the wires of larger than three inches, barbed wire and individual strand-type wire fences.

Fences shall be permitted only in rear yards, as defined in Section 1505.25(b). In no case shall fences extend any further towards the street than five feet past the side door or the steps to the side door of the residential structure. If no side door exists, then the fence shall be no further towards the street than the rear of the residential structure.

No fence shall be permitted to be installed directly along another fence on the same property line of an abutting property owner.

(b) Before any hedge, trellis, **retaining wall** or other device used to mark or establish boundary lines, or within the property line, is erected, the owner of the land shall first secure a permit for the same from the Building Commissioner. The fee therefor is set forth in Chapter 185 of these Codified Ordinances (the General Fee Schedule). No permit for any such device, other than those which replace existing permitted devices, shall be issued until one of the following occurs:

(1) Submission to the Building Commissioner of proof that notice has been given to all affected property owners, by proof of signed waiver of the permit application; or

(2) Submission to the Building Commissioner of verification by a registered professional surveyor establishing the applicant's property lines. Such survey shall be current (within the last three years).

(c) The height of any fence shall be the distance vertically from the surface of the ground to the top of the fence.

(d) Erection of a fence on a corner lot shall not start any closer to the street than the setback of the house and not less than one foot off the sidewalk on the side of existing property.

(e) No fence shall be erected from the sidewalk line of any property to the front projection of the building thereof, otherwise defined as the building setback line. Nothing contained in this section shall apply to shrubbery for decorative purposes, which in no event shall be permitted to grow above three feet in height when more than fifteen feet from the intersection of a driveway with the public sidewalk, or eighteen inches in height when less than fifteen feet from the intersection of a driveway with the public sidewalk. Any trees within a side yard shall have the branches trimmed so as to provide a minimum distance of five feet from the ground to the lowest branches when such branches are located within fifteen feet of the intersection of a driveway with the public sidewalk.

(f) The supporting posts of fences, hedges, trellises, **retaining walls** or other devices used to mark or establish boundary lines around property, or within the property line, where posts are necessary, shall be erected on the side of the property being fenced. In other words, posts shall be erected on the inside of the fence, hedge, trellis, etc., and not on the outside thereof.

(g) This section shall apply to public facility, retail office, commercial and industrial lots, except for subsection (c) hereof. For such lots, fences in excess of six feet in height may be approved by the Planning Commission in order to more adequately screen such lots from the view of adjacent residential property.

(d) No person shall install, erect, place, maintain or permit, or cause the installation, erection, placement or maintenance of, any stake, stick, pole, stone, rock or other dangerous or hazardous object to mark, designate or establish any property line. Any object or device which, once installed, erected, placed or maintained to mark, designate or establish a property line, will be a danger to life or limb of those persons reasonably using the area in the vicinity of such object or device, is prohibited.

(e) Snow fences are permitted to be installed not earlier than November 1 and must be removed on or before April 1 of the following year. The maximum permitted height shall be four feet, and snow fences shall not be placed closer than four feet to any front, side or rear property line.

(f) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 255-89. Passed 3-19-90; Ord. 108-90. Passed 5-21-90; Ord. 122-90. Passed 4-16-90; Ord. 334-94. Passed 12-18-95; Ord. 389-94. Passed 5-6-96.)

1707.32 OBSTRUCTION OF VIEW AT CORNER LOTS.

On any corner lot on which a front yard line is established by the Planning and Zoning Code, no wall, fence or other structure shall be erected, and no hedge, shrub, tree or other growth shall be maintained, between the front yard line and the street line in such a manner as to obstruct the view of traffic across the corner. **Whoever violates this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.**

(Ord. 389-94. Passed 5-6-96.)

1707.33 TREES OVER SIDEWALKS.

The Director of Public Service shall, and is hereby directed to, keep trimmed all trees standing on any public place in the City so that the branches of such trees projecting over any public sidewalk on private driveway or into any public street beyond the curb line shall be not less than nine feet from the ground.

All trees standing on private property in the City and having branches projecting into public streets, highways or places shall, under the supervision of the Director, be kept trimmed by the owners or occupants of such private property to such an extent that the lowest branches of such trees shall not come within nine feet of the ground where they overhang any public walk or driveway.

If the owner or occupant of such private property neglects or refuses to trim such a tree, upon being notified in writing by the Director to do so and within the time specified in such notice, so as to comply with the foregoing provisions, it shall be the duty of the Director, after the expiration of the date specified in such notice, to cause the trimming to be done at the expense of the owner. The entire cost thereof shall be a lien upon such premises and shall be billed and collected as hereinafter provided.

Whoever violates any of the provisions of this section, for which no penalty is otherwise provided, shall be subject to the penalty provided in Section 1707.99.

(Ord. 295-56. Passed 12-3-56; Ord. 389-94. Passed 5-6-96.)

1707.34 NUISANCES IN CONNECTION WITH TREES.

(a) The following acts, things and conditions done or existing within the City are hereby declared to constitute nuisances:

(1) Any tree upon any street or public place or so near thereto as to permit the roots of such tree to penetrate through or under the surface thereof;

(2) Any tree, plant or shrub, wherever located within the City, infected with any parasite, insect, fungus or pest, which may be communicated to any other tree, plant or shrub;

(3) Any tree which has fallen or is in such condition that it is likely to fall on any public or private property, including the property upon which it is situated;

(4) Any tree, plant or shrub whose branches or trunk obstructs or impedes traffic on any street or public place. Branches overhanging any public sidewalk, pavement or roadway within nine feet on the surface thereof shall be deemed prima-facie to obstruct or impede traffic thereon.

(5) Any tree, plant, hedge or shrub on any public or private property which is located in such a manner as to obstruct the view of traffic, including, but not limited to, obstructing the visibility of neighbors when exiting their driveways.

(b) No person shall knowingly create, maintain or refuse to abate a nuisance as defined in subsection (a) hereof.

(c) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 164-78. Passed 7-5-78; Ord. 389-94. Passed 5-6-96.)

1707.35 MAINTENANCE OF SIDEWALKS, DRIVEWAYS, PARKING LOTS AND APRONS.

(a) All sidewalks, driveways and parking areas shall be maintained in a proper state of repair.

(b) Public sidewalks must be kept free of vegetation growing in cracks or joints. Any change in the level of a sidewalk, or any crack, exceeding one inch (twenty-six millimeters) shall be considered hazardous and must be repaired.

(c) Driveways and parking lots shall be maintained free of potholes and other surface irregularities and shall be maintained in accordance with the specifications prescribed in Chapters 1197 and 1512 of these Codified Ordinances.

(d) Public sidewalks shall not be patched or resurfaced, but must be replaced with concrete in accordance with the specifications prescribed in Chapter 1529 of these Codified Ordinances. Leveling of sidewalk sections is permitted.

(e) All driveway aprons shall be kept in a proper state of repair, free of holes, surface deterioration or cracks which cause sections to become loose or otherwise hazardous. All repairs or replacements of driveway aprons shall be of concrete. However, if the apron covers a drainage pipe and may be subject to movement, a written waiver must be obtained from the Code Official to allow installation of asphalt.

(f) No owner or occupant of abutting lands shall fail to keep the sidewalks, curbs or gutters in repair and free from snow, ice or any other nuisance.

(g) All parking areas shall be properly maintained with each parking space distinctly marked with clearly painted lines.

(h) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 389-94. Passed 5-6-96; Ord. 10-00. Passed 9-18-00.)

1707.36 SECONDARY OR APPURTENANT STRUCTURES.

(a) All secondary or appurtenant structures such as sheds, barns, garages, etc., shall be maintained in good repair and free from health, accident and fire hazards or shall be removed from the premises.

(b) Every garage shall have operable overhead garage door(s) maintained in good repair.

(c) All roofs, including the roofs of secondary or appurtenant structures, shall be equipped with gutters and downspouts connected to a public storm sewer or combined storm and sanitary sewer, except, however, that if the roof area served by a specific downspout does not exceed 500 square feet, measured horizontally, and the drainage does not, in the opinion of the Code Official, cause excessive erosion or water damage and does not create a nuisance on public or private property, this requirement may be waived.

(d) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 53-68. Passed 7-22-69; Ord. 389-94. Passed 5-6-96.)

1707.38 SLEEPING ROOM RESTRICTIONS.

Every room used for sleeping purposes shall contain not less than 100 square feet of habitable floor area if used for one occupant and not less than fifty square feet of habitable floor area per occupant if used by more than one occupant. **Whoever violates this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.**

(Ord. 53-68. Passed 7-22-69; Ord. 389-94. Passed 5-6-96.)

1707.39 FIREWOOD STORAGE.

(a) As used in this section, "firewood" means wood processed for use as fuel in an approved fireplace or stove.

(b) Firewood stored in an outside area shall not exceed a length of thirty inches per log and shall be stored off the ground and encased at the bottom. Firewood must be stored to the rear of the front building line. No pile of firewood shall exceed four feet in height, four feet in depth and eight feet in length. All stored firewood must be kept a distance of two feet from any property line.

(c) **Whoever violates any of the provisions of this section, for which no penalty is otherwise provided, shall be subject to the penalty provided in Section 1707.99.**

(Ord. 210-88. Passed 9-19-88; Ord. 389-94. Passed 5-6-96.)

1707.37 ACCESS AND EGRESS; SECURITY SAFEGUARDS.

(a) Every dwelling unit shall be provided with direct and approved means of access and egress to the outside of the dwelling structure without passing through any part of any other dwelling unit. In multiple dwellings, any door which is used in connection with such means of access and egress shall be provided with a lock which can be opened from the inside without the use of a key.

(b) All entryways into rented units shall be equipped with at least two mortised locking devices, one of which may be the traditional spring loaded dead latch. The second locking device shall be a dead bolt lock with a throw of at least one inch in length. This bolt shall be actuated with a key from the hallway or outside of the door and with a knob or thumb turn from within the rented unit, enabling egress without the use of a key. The second locking device or dead bolt lock shall be of such manufacture as to allow it to be easily retumbled upon the vacating of the unit by a tenant so that a new key may be cut for presentation to any subsequent tenant.

(c) All entryway doors into the rented unit shall have integrated within them, at some point near eye level, a viewing device set within the door that will permit a 175 degree view of anyone or anything immediately outside such door.

(d) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 30-78. Passed 3-6-78; Ord. 63-79. Passed 5-21-79; Ord. 389-94. Passed 5-6-96.)

1707.40 HOLES OR EXCAVATIONS TO BURY TREE STUMPS OR WASTE.

No person shall fill a hole or create an excavation for the purpose of filling it with, or burying in it, tree stumps, construction debris, waste, garbage, rubbish or junk on residentially zoned property. **Whoever violates this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.**

(Ord. 263-93. Passed 12-6-93; Ord. 389-94. Passed 5-6-96.)

1707.41 UNREGISTERED AND/OR INOPERABLE VEHICLES.

(a) As used in this section, "unregistered and/or inoperable vehicle" means any motor vehicle for which the owner has failed to file annually the application for registration or pay the tax therefor as required by Ohio R.C. 4503.11, or any motor vehicle which is inoperable.

(b) No person shall store or keep an unregistered and/or inoperable vehicle on any private property unless such vehicle is housed in a garage or other suitable structure in a lawful manner, consistent with all regulations where it is not visible from the street or other public or private property, except if the person is operating a junk yard or scrap metal processing facility licensed under authority of Ohio R.C. 4737.05 to 4737.12, or regulated under the authority of the City; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation in a commercially zoned area.

(c) Whoever violates any of the provisions of this section, for which no penalty is otherwise provided, shall be subject to the penalty provided in Section 1707.99.

(Ord. 112-89. Passed 4-17-89; Ord. 389-94. Passed 5-6-96; Ord. 26-00. Passed 2-7-00.)

1707.42 STORAGE OF VEHICLES AND EQUIPMENT.

No person shall store or accumulate any wrecked, used or abandoned automobiles, or any derricks, pile drivers, road building, sewer or ditch-digging equipment or machinery, or any equipment for house moving or dredging, or any machinery, equipment or material of any kind, nature and description, on any property within the City, except in that portion of the City which has been classified or districted by the Zoning Code for industrial uses and purposes. Nothing herein contained shall prohibit persons engaged in

the buying and selling of such material, machinery, equipment or other articles or products as hereinbefore enumerated, or hardware, machinery or equipment merchants or salespersons, from storing on the premises where business is regularly conducted such articles or products as they regularly deal in, provided that the same are properly housed. Nothing herein contained shall prohibit the storing of any equipment or material being used in any construction work on the premises where such construction work is being done, and for the period in which the particular project is under construction. Nothing herein contained shall enlarge upon or permit any uses for any property within the City other than those already provided by the Zoning Code and the Zone Map. **Whoever violates any of the provisions of this section, for which no penalty is otherwise provided, shall be subject to the penalty provided in Section 1707.99.**

(Ord. 300-45. Passed 7-16-45; Ord. 389-94. Passed 5-6-96.)

1707.43 VEHICLE REPAIR AND SERVICING.

No person shall repair, repaint or perform any services on a vehicle in a residential neighborhood except as follows:

- (a) Such services are temporary in nature.
- (b) The services are performed on a vehicle owned, leased or rented by a resident of the premises where the work is done.
- (c) Any repair work other than repair work temporary in nature, including body work, must be done inside a structure or similarly enclosed area and such vehicle must be kept inside the structure or similarly enclosed area during the repair period and between work periods.
- (d) All repair work is to be performed between the hours of 8:00 a.m. and 9:00 p.m.
- (c) Any spray painting must be done inside a structure or similarly enclosed area designed and approved for such purpose by the Fire Division and the Building Division.
- (e) **Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.**

(Ord. 127-86. Passed 6-2-86; Ord. 389-94. Passed 5-6-96.)

1707.44 ADVERTISING, SALE OR REPAIR OF VEHICLES ON ROADWAY OR PRIVATE PROPERTY.

(a) No person shall stand or park a vehicle upon any roadway for the principal purpose of washing, waxing, greasing or repairing it, except repairs necessitated by an emergency.

(b) No person shall park on any street a vehicle or any article for sale for the primary purpose of advertising between the hours of 9:00 a.m. and 9:00 p.m.

(c) No person shall stand or park a vehicle upon private property, without the permission of the person having the right to possession of the property, for the primary purpose of advertising such vehicle for sale. In any event, not more than one vehicle may be parked at the same time upon any private property for the primary purpose of advertising such vehicle for sale.

Nothing herein shall be deemed to apply to any premises for which a currently valid State license has been issued pursuant to Ohio R.C. 4517.01 et seq. and for which a permit allowing the use of the premises for the sale of vehicles has been issued by the Building Commissioner.

(d) Whoever violates any of the provisions of this section, for which no penalty is otherwise provided, shall be subject to the penalty provided in Section 1707.99.

(Ord. 198-89. Passed 6-19-89; Ord. 389-94. Passed 5-6-96; Ord. 114-97. Passed 5-19-97.)

1707.45 PARKING ON PRIVATE OR PUBLIC PROPERTY.

(a) No person shall willfully leave any vehicle, not an abandoned junk motor vehicle:

(1) On private property without the permission of the person having the right to the possession of the property; or

(2) On a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right of way of any road or highway, for forty-eight consecutive hours or longer, without notification to the Police Chief of the reasons for leaving the vehicle in such place.

For purposes of this subsection, the fact that a vehicle has been so left without permission or notification is prima-facie evidence of abandonment. Nothing contained in this subsection shall invalidate the provisions of other ordinances regulating or prohibiting the abandonment of motor vehicles on streets, highways, public property or private property within the City.

(b) No person shall park any licensed, operable motor vehicle, truck, motorcycle, trailer, bus or other vehicle or boat between the setback line and the public right of way, excluding the area approved by the Division of Buildings as a driveway and/or turnabout. Any of the abovesaid vehicles parked on private property shall be parked on a hard-surface driveway or turnabout or other hard-surface parking area. Any collector's vehicle, historical motor vehicle, junk motor vehicle or unregistered and/or inoperable vehicle shall be parked in a garage or other suitable structure in a lawful manner, consistent with all regulations where it is not visible from the street or other public or private property.

(c) No person shall willfully leave an abandoned junk motor vehicle on private property for more than seventy-two hours without the permission of the person having the right of possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right of way of any road or highway, for forty-eight hours or longer, without notification to the Division of Police of the reasons for leaving the motor vehicle in such place.

For purposes of this subsection, the fact that a motor vehicle has been so left without permission or notification is prima-facie evidence of abandonment.

Nothing contained in this subsection shall invalidate the provisions of other ordinances regulating or prohibiting the abandonment of motor vehicles on streets, highways, public property or private property within the City.

(d) Whoever violates any of the provisions of this section, for which no penalty is otherwise provided, shall be subject to the penalty provided in Section 1707.99.

(Ord. 66-81. Passed 4-6-81; Ord. 389-94. Passed 5-6-96; Ord. 26-00. Passed 2-7-00.)

1707.451 DRIVING AND PARKING UPON SIDEWALKS, STREET LAWNS OR CURBS.

No person shall drive, stand or park a vehicle on a sidewalk, street lawn area or the curb of a street, except when entering or leaving a permanent or temporary driveway or when lawfully authorized.

1707.46 EXTERIOR ILLUMINATION.

All exterior illumination shall be located in such a manner as not to cause reasonable objections from other property owners or occupants. **Whoever violates this section, for which no penalty is otherwise provided, shall be subject to the penalty provided in Section 1707.99.**

(Ord. 389-94. Passed 5-6-96.)

1707.47 STREET ADDRESSES.

Every residential and nonresidential structure shall display the numerical street address designated for that structure. Such numbers shall be displayed in a manner which is easily discernible from the street. . **Whoever violates this section, for which no penalty is otherwise provided, shall be subject to the penalty provided in Section 1707.99.**

(Ord. 389-94. Passed 5-6-96.)

1707.48 JUNK VEHICLES; COLLECTORS' VEHICLES; HISTORICAL VEHICLES; STORAGE; NOTICE.

(a) As used in this section, "junk motor vehicle" means any motor vehicle which is three years old or older; extensively damaged, such damage including, but not limited to, any of the following: missing wheels, tires, motor or transmission; apparently inoperable; and having a fair market value of four hundred dollars (\$400.00) or less, that is left on private property for more than seventy-two hours, with the permission of the person having the right to the possession of the property, and the said vehicle is not stored in a garage or other suitable structure in a lawful manner, consistent with all regulations where it is not visible from the street or other public or private property, except if the person is operating a junk yard or scrap metal processing facility licensed under authority of Ohio R.C. 4737.05 to 4737.12, or regulated under the authority of the Municipality; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation.

(b) As used in this section, "collectors' vehicle" means any motor vehicle or agricultural tractor or traction engine that is of special interest, that has a fair market value of one hundred dollars (\$100.00) or more, whether operable or not, and that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collectors' item, leisure pursuit, or investment, but not as the owner's principal means of transportation. "Licensed collectors' vehicle" means a collectors' vehicle, other than an agricultural tractor or traction engine, that displays current, valid license tags issued under Ohio R.C. 4503.45, or a similar type of motor vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.

(c) As used in this section "historical motor vehicle" means any motor vehicle that is over twenty- five years old and is owned solely as a collectors' item and for participation in club activities, exhibitions, tours, parades, and similar uses, but that in no event is used for general transportation.

(d) A person having permission to store or keep a junk motor vehicle, collectors' vehicle or historical motor vehicle on private property shall be required to park the said vehicle in a garage or other suitable structure in a lawful manner, consistent with all regulations where it is not visible from the street or other public or private property.

(e) The Building Commissioner may send notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle, collectors' vehicle or historical motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle, collectors' vehicle, or historical motor vehicle shall be stored in a garage or other suitable structure in a lawful manner, consistent with all regulations where it is not visible from the street or other public or private property or removed from the property.

(f) No person shall willfully leave a junk motor vehicle, collectors' vehicle, or historical motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk motor vehicle, collectors' vehicle or historical motor vehicle is so left is prima facie evidence of willful failure to comply with the notice, and each subsequent period of thirty days that a junk motor vehicle, collectors' vehicle or historical motor vehicle continues to be so left constitutes a separate offense.

(g) Whoever violates any of the provisions of this section, for which no penalty is otherwise provided, shall be subject to the penalty provided in Section 1707.99.

(Ord. 26-00. Passed 2-7-00.)

1707.49 DEPOSIT OF REFUSE, GARBAGE ON PUBLIC OR PRIVATE PROPERTY; PLACEMENT OF SIGNS ON PUBLIC OR PRIVATE PROPERTY.

(a) No person shall throw, deposit or permit to be thrown or deposited any rubbish, garbage, dirt, paper, filth, filthy water, sweepings, ashes, shavings, offal, stones, wood, trash, straw, earth or refuse material of any kind, or place signs into or upon any park, public grounds, sidewalk, tree lawn, utility pole, street or highway or upon any property belonging to another person, without the owner's consent. Whoever violates this section is guilty of a misdemeanor of the first degree. **A separate offense shall be deemed committed each day during or on which a violation occurs or continues.**

(b) Every owner, occupant or person having charge or control of any tenement, building, lot or land fronting upon any street, lane, alley or public ground or place used as a street, lane, alley or public ground shall remove from the entire width of the sidewalk in front of such premises, from curb to lot line, any dirt, paper, filth, ashes, shavings, straw, wood, refuse matter or rubbish of any kind which, from any cause whatever, has accumulated or may accumulate upon such sidewalk, within forty-eight hours after receiving notice thereof from the Division of Police.

(c) No rubbish and garbage which is placed on the tree lawn area or another suitable area within the public right-of-way for collection by the City or its agent shall be so deposited or placed before 6:00 p.m. on the day prior to the publicly scheduled day for the collection of rubbish and garbage for that street. If a hardship occurs that requires the deposit of rubbish and garbage at any earlier time, a permit therefor that first be obtained from the Director of Public Safety. After the collection of rubbish and garbage, property owners or occupants shall remove rubbish containers from the tree lawn area and return

them to their regular storage area not later than 8:00 p.m. on the day that the garbage and rubbish are collected.

(d) No person shall deposit or dump refuse, garbage, leaves, yard waste, or any other material upon sloped property when the refuse, garbage, leaves, yard waste and other material may fall to the lower property and result in the creation of a nuisance or damage to the lower property.

(e) **Whoever violates any of the provisions of this section other than provision (a), for which no penalty is otherwise provided, is guilty of a misdemeanor of the third degree.**

(f) The Court may require the violator to rectify the violation at his or her own expense.

(Ord. 22-05. Passed 3-7-05.)

1707.50 DEPUTIES; JUNK OR ABANDONED VEHICLES.

Upon the discovery of a junk, abandoned, improperly parked, improperly stored or improperly maintained vehicle, or as additionally defined in Ohio R.C. 4513.63 and 4513.64, a code official may record the time, date, location, make, model, vehicle identification number or other identifying feature and place a conspicuous notice on the vehicle and report the same to the Chief of Police or his or her designee with instructions to proceed pursuant to Section 351.175 of the Codified Ordinances. **Whoever violates this section, for which no penalty is otherwise provided, shall be subject to the penalty provided in Section 1707.99.**

(Ord. 29-05. Passed 4-4-05.)

1707.99 PENALTY.

(a) **Whoever violates any of the provisions of this Code, or any rule or regulation promulgated thereunder, fails to comply therewith or with any written notice or written order issued thereunder, or interferes with, obstructs or hinders any person authorized to inspect, by virtue of Section 1705.02, while such person is lawfully making an inspection is guilty of one of the following:**

(1) **If the offender previously has not been convicted of or pleaded guilty to a violation of any provision of this property maintenance code for which no penalty is otherwise provided, a misdemeanor of the fourth degree, and the person shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both.**

(2) **If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one violation of this property maintenance code, a**

misdemeanor of the third degree, and the person shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both.

(3) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this property maintenance code, a misdemeanor of the second degree, and the person shall be fined not more than seven hundred fifty dollars (\$750.00) or imprisoned not more than ninety days, or both.

(Ord. 282-94. Passed 11-21-94; Ord. 389-94. Passed 5-6-96; Ord. 139-97. Passed 5-7-97.)

Chapter 1709

1709.99 PENALTY.

Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Chapter 1713

1713.99 PENALTY.

Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Chapter 1715

1715.99 PENALTY.

Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Chapter 1717

1717.99 PENALTY.

Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Chapter 1721

1721.99 PENALTY.

Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.